IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

WP(C).No. 34837 of 2004(V)

OS.407/1995 of SUB COURT, OTTAPPALAM

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PETITIONERS:

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1. VALIYA PARAMBIL JANAKI,
   D/O.PANKU, RESIDING AT VANIYAMKULAM AMSOM,
   PULACHITHARA DESOM, OF OTTAPPALAM TALUK.

2. KALAVATHY, D/O.VALIYAPARAMBIL JANAKI,
   RESIDING AT DO. DO.

3. JAYAKUMAR, S/O.VALIYAPARAMBIL JANAKI,
   RESIDING AT DO. DO.

BY ADV. SRI.K.RAMACHANDRAN
SRI.P.RAMACHANDRAN

RESPONDENT:

THIRUNJANA MUTHALIYAR, S/O.
NACHIMUTHU MUTHALIYAR, 60,
JUBILEE WELL ROAD, POLLACHI TOWN,
POLLACHI TALUK, COIMBATORE DISTRICT,
TAMIL NADU.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.34837/04

APPENDIX

PETITIONERS' EXTS:

EXT.P1 - TRUE COPY OF WRITTEN STATEMENT FILED BY PETITIONERS.

EXT.P2 - TRUE COPY OF AFFIDAVIT DT.6.7.03 IN SUPPORT OF I.A.1404/03

EXT.P3 – TRUE COPY OF ORDER DT.13.10.04 IN I.A.1404/03 IN O.S.407/95 OF SUB COURT, OTTAPPALAM.

EXT.P4 – TRUE COPY OF ORDER DT.31.10.97 IN CRP.2002/97 OF THIS COURT.

/TRUE COPY/

PIUS C. KURIAKOSE, J.

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W.P.(C)No.34837 OF 2004

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DATED THIS THE 8TH JUNE, 2007

J U D G M E N T

In this Writ Petition under Article 227 of the Constitution of India, the petitioners-defendants impugn the order of the learned Sub Judge refusing to refer the issue of kudikidappu to the Land Tribunal under Section 125(3) of the Kerala Land Reforms Act. It is submitted by Sri.P.Ramachandran, learned counsel for the petitioners that the plaintiff in the suit who is the respondent in this Writ Petition passed away and till date nobody has been impleaded.

Under these circumstances, the Writ Petition will stand closed permitting the petitioners to move again if the legal representatives of the deceased plaintiff get themselves impleaded in the court below.

(PIUS C.KURIAKOSE, JUDGE)

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